

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 6111 of 1995

Between:

Syed Hassan Bokhari S/o. Dastagir Bokhari,

Retired LaB-attender.

Osmania College, Kurnool.

..... PETITIONER

AND

1. The Commissioner of Collegiate Education,

Government of A.P. Hyderabad.

2. The Secretary and Correspondent,
Osmania College, Kurnool.

3. The Principal, Osmania College,
Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue rule nisi calling for the entire records leading up to and inclusive of the impugned proceedings of the 3rd respondent herein dated 4-2-1995 in his Roc. No. 2805/93-94 issued in pursuance of the proceedings of the 1st respondent herein dated 13-12-1993 and quash the proceedings of the third respondent herein dated 4-2-1995, by issuing an appropriate Writ, order or direction, more particularly one in the nature of Certiorari.

Counsel for the Petitioner :MR.M.SUBBA REDDY

Counsel for the Respondent No.1. : GP FOR HIGHER EDUCATION

Counsel for the Respondents No.2 & 3: Mr.Syed Shareef Ahmed

The Court made the following :

ORDER:

This writ petition is directed against the proceedings dated 04-02-1995 issued by the third respondent by which the third respondent sought to recover an amount of Rs.27,798/- paid to the petitioner towards salary for the period of two years he worked beyond the age of 58 years.

On an earlier occasion, the petitioner approached this court and filed writ petition No.17911 of 1989 seeking a direction that he is entitled to continue in service till he attains the age of 60 years. At that time, when the matter was taken up for final hearing the petitioner has already completed sixty years and retired from service and as such, a Division Bench of this Court has dismissed the said writ petition as infructuous. However, it was made clear by the Division Bench that the salaries already paid for the actual period, for which the petitioner worked, shall not be recovered. When once this Court has clearly held that the salary already paid to the petitioner beyond the period of 58 shall not be recovered, in my considered view, the proceedings dated 13-12-1993 issued by the Commissioner of Collegiate Education, A.P., Hyderabad in RC.No.304/PC II-2/91 and the consequential proceedings issued by the third respondent in ROC No.2805/ 1993-94 dated 04-02-1995 are illegal and thereby, the respondents are directed not to act upon the proceedings impugned herein and also not to resort to recover any amounts paid to the petitioner for the period, for which he worked beyond the age of 58 years.

Accordingly, this writ petition is allowed.

T. Gopala Krishna, J.

Dt: 16..09..2004.

Rns.

ASSISTANT REGISTRAR.

To

1. The Commissioner of Collegiate Education,
Government of A.P. Hyderabad.

2. The Secretary and Correspondent,
Osmania College, Kurnool.
- 3 The Principal, Osmania College,
Kurnool.
4. Two CCs to Government Pleader for Higher Education,
High Court of A.P.,Hyderabad.(OUT),
5. Two CD copies.